



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alwan et al.

Serial No.: 09/910,542

Filed: July 20, 2001

For: CAP LAYER ON GLASS PANELS
FOR IMPROVING TIP UNIFORMITY IN
COLD CATHODE FIELD EMISSION
TECHNOLOGY

Confirmation No.: 3046

Examiner: K. Guharay

Group Art Unit: 2879

Attorney Docket No.: 2269-7134.1US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 24, 2007
Date

Signature

Leta M. Howard
Name (Type/Print)

STATEMENT OF COMMON OWNERSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

U.S. Patent No. 5,656,886 to Westphal et al. and the present application were, at the time the invention was made, owned by, or subject to an obligation of assignment to the same entity, namely Micron Display Technology, Inc. Micron Display Technology, Inc. was merged into Micron Technology, Inc. in 1997. (A copy of the merger document is attached hereto as Exhibit 1). A copy of the assignment document for the above-entitled application is attached hereto as Exhibit 2. Applicants respectfully submit that such a statement is sufficient evidence to establish common ownership and to disqualify U.S. Patent No. 5,656,886 to Westphal et al. from being used as prior art against the claims of the above-entitled application. *MPEP* § 706.02(1)(2)II.

Serial No. 09/910,542

Should the Office determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact applicants undersigned attorney.

Respectfully submitted,



Krista Weber Powell
Registration No. 47,867
Attorney for Applicants
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: January 24, 2007

KWP/lmh

Document in ProLaw

EXHIBIT 1
Copy of merger document

State of Delaware

PAGE 1

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"MICRON DISPLAY TECHNOLOGY, INC.", A IDAHO CORPORATION,
WITH AND INTO "MICRON TECHNOLOGY, INC." UNDER THE NAME OF
"MICRON TECHNOLOGY, INC.", A CORPORATION ORGANIZED AND EXISTING
UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED
IN THIS OFFICE THE SEVENTEENTH DAY OF SEPTEMBER, A.D. 1997, AT
2:30 O'CLOCK P.M.



Edward J. Freel, Secretary of State

AUTHENTICATION

CERTIFICATE OF MERGER
MERGING
MICRON DISPLAY TECHNOLOGY, INC.,
an Idaho corporation,
WITH AND INTO
MICRON TECHNOLOGY, INC.
a Delaware corporation

*In accordance with Section 252 of the
General Corporation Law of Delaware*

The undersigned, Steven R. Appleton, President and Chief Executive Officer, and Roderic W. Lewis, Vice President - Legal Affairs, General Counsel and Corporate Secretary of Micron Technology, Inc., a Delaware corporation,

DO HEREBY CERTIFY:

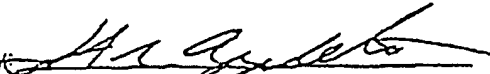
1. The name and state of incorporation of each of the constituent corporations are Micron Technology, Inc., a corporation organized and existing under the laws of the State of Delaware (the "Corporation"), and Micron Display Technology, Inc., a corporation organized and existing under the laws of the State of Idaho ("MDT"). The authorized capital stock of MDT is 30,000,000 shares of common stock, par value \$0.10 per share.
2. An Agreement and Plan of Merger, dated as of August 29, 1997 (the "Merger Agreement") has been approved, adopted, certified, executed and acknowledged by each of the Constituent Corporations in accordance with Section 252 of the Delaware General Corporation Law (the "DGCL").
3. The name of the surviving corporation (the "Surviving Corporation") in the merger is Micron Technology, Inc.
4. An executed copy of the Merger Agreement is on file at the principal place of business of the Surviving Corporation, as follows:

Micron Technology, Inc.
8000 South Federal Way
Boise, Idaho 83704
Attention: General Counsel

5. That a copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of either of the constituent corporations.
6. The Merger shall become effective at 12:01 a.m., Mountain Time, on the date this Certificate of Merger is filed with the Secretary of State of the State of Delaware.

IN WITNESS WHEREOF, the undersigned have affirmed the statements herein as true and as the act and deed of Micron Technology Inc., under penalties of perjury, as of the 16th day of September, 1997.

MICRON TECHNOLOGY, INC.

By: 
Print Name: Steven K. Appleton
Title: President and Chief Executive Officer

ATTEST:

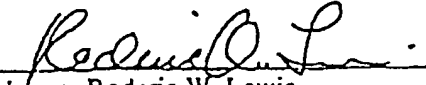

By: 
Print Name: Roderic W. Lewis
Title: Vice President - Legal Affairs, General
Counsel and Corporate Secretary

EXHIBIT 2
Copy of Assignment document

ATTORNEY DOCKET NUMBER M70600US

ORIGINAL ASSIGNMENT

For valuable consideration, We,

James J. Alwan	of	Post Office Address:	2014 S. MYERS ST 508 W. Boise Avenue	
		Residence:	2014 S. MYERS ST. Boise, Idaho 83709	
		City, Country, Zip Code:	508 W. Boise Avenue 2014 S. MYERS ST. Boise, Idaho (U.S.A.) 83709 83706	
Behnam Moradi	of	Post Office Address:	2401 Apple Apt #0-206 Boise, Idaho 83706	
		Residence:	2401 Apple Apt #0-206	
		City, Country, Zip Code:	Boise, Idaho (U.S.A.) 83706	
Kevin Tjaden	of	Post Office Address:	2412 Kootenai Boise, Idaho 83705	
		Residence:	2412 Koutenae	
		City, Country, Zip Code:	Boise, Idaho (U.S.A.) 83705	

the below signed joint inventors of record, hereby assign to

Micron Display Technology, Inc.

a corporation having a place of business at

8000 S. Federal Way, Boise, Idaho 83706

and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are the subject of an application for United States Patent signed by me this day, entitled

**"CAP LAYER ON GLASS PANELS FOR IMPROVING TIP UNIFORMITY
IN COLD CATHODE FIELD EMISSION TECHNOLOGY"**

this assignment including said application, any and all United States and foreign patents, utility models, design registrations, inventor's certificates and other similar rights granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in my name, or in its own name, for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

ATTORNEY DOCKET NUMBER M70600US

IN WITNESS WHEREOF, We hereby set our hand, date of signature and place of signature as indicated below.

[Signature]
Signature of Inventor

James J. Alwan
Inventor's Name

1/17/96
Date of Signature

BOISE, ID USA
Place of Signature:
City, Country

[Signature]
Signature of Inventor

Behnam Moradi
Inventor's Name

1-17-96
Date of Signature

BOISE, ID USA
Place of Signature:
City, Country

[Signature]
Signature of Inventor

Kevin Tjaden
Inventor's Name

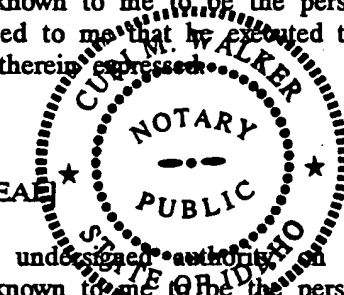
01-17-96
Date of Signature

BOISE ID, USA
Place of Signature:
City, Country

BEFORE ME, the undersigned authority, on the day and year above specified, personally appeared James J. Alwan, known to me to be the person whose name is subscribed to the foregoing Assignment, and acknowledged to me that he executed the instrument of his own free will and for the purposes and consideration therein expressed.

[Signature]
Notary Public
9/13/2000

[SEAL]

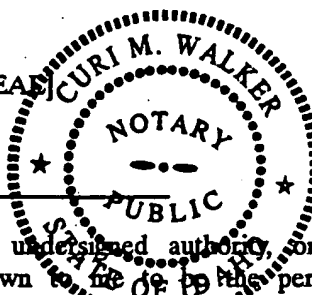


BEFORE ME, the undersigned authority, on the day and year above specified, personally appeared Behnam Moradi, known to me to be the person whose name is subscribed to the foregoing Assignment, and acknowledged to me that he executed the instrument of his own free will and for the purposes and consideration therein expressed.

Notary Public

[Signature]
9/13/2000

[SEAL]



BEFORE ME, the undersigned authority, on the day and year above specified, personally appeared Kevin Tjaden, known to me to be the person whose name is subscribed to the foregoing Assignment, and acknowledged to me that he executed the instrument of his own free will and for the purposes and consideration therein expressed.

Notary Public

[Signature]
9/13/2000

[SEAL]

